

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias

NOTICE OF PROPOSED PARTIAL FINAL JUDGMENT AND DECREE
ON SURFACE WATER IRRIGATION RIGHTS
IN THE RIO NUTRIAS SUBSECTION OF SECTION 3
OF THE RIO CHAMA STREAM SYSTEM

Parties of record in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System (Rio Nutrias Subsection) are hereby notified that the State of New Mexico has prepared a *Proposed Partial Final Judgment and Decree on Surface Water Rights in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System* (“Proposed Decree”) to be filed in the United States District Court. Orders adjudicating the water rights of defendants in the Rio Nutrias Subsection for surface water irrigation uses, as against the State of New Mexico, have previously been entered for all subfiles in this section. An *inter se* proceeding in the Rio Nutrias Subsection is required to provide all persons with water rights in the Rio Nutrias Subsection the opportunity to file objections to the adjudication of the water rights of other persons in these subfiles. This process will lead to the entry of a Partial Final Judgment and Decree that will represent the final adjudication of all claims for surface water irrigation rights in the Rio Nutrias Subsection. This *inter se* proceeding will be the only opportunity

for persons with water rights in the Rio Nutrias Subsection to object to the determination of the surface water rights of other water users that are described in the Proposed Decree. The proposed Decree will not determine or affect claims to groundwater or stock watering uses in the Rio Nutrias Subsection.

On March 24, 2011, the Court entered its *Order Making Final Determination of Priority Dates and Irrigation Water Requirements in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System* (Doc. 10011). The Court's determination of priority dates and irrigation water requirements in the Rio Nutrias Subsection is final and binding on all claimants, known and unknown, diverting and using water in the Rio Nutrias Subsection. Claimants in the Rio Nutrias Subsection are now provided with an opportunity to file *inter se* objections to the remaining water rights elements of other water users, such as the location and amount of irrigated acreage. Claimants may not file objections to the previous determination of their own surface water irrigation rights.

If you have water rights in the Rio Nutrias Subsection that may be affected by any of the provisions of the Proposed Decree, you have the right to file *inter se* objections and offer evidence to the Court in support of those objections. The Rio Nutrias Subsection includes the watershed of the Rio Nutrias, a tributary of the Rio Chama.

Copies of the Proposed Decree with an Addendum that summarizes the water rights described in the decree, and hydrographic survey maps showing the location of the irrigation and ditches involved, are available for inspection at the Office of the Rio Arriba County Clerk in Tierra Amarilla and in Española. Copies are also available for inspection at the Federal District Court in Santa Fe and in Albuquerque, at the UNM School of Law, and at the Office of the State Engineer at the following addresses:

Office of the Clerk
United States District Court
106 South Federal Place
Santa Fe, New Mexico

Office of the Clerk
United States District Court
333 Lomas Blvd. NW
Albuquerque, New Mexico

Joe M Stell Ombudsman Program at Utton Center
UNM School of Law
1117 Stanford NE Rm. 1216
Albuquerque, New Mexico

Office of the State Engineer
Water Resource Allocation Program
Bataan Memorial Building, Rm. 102
Santa Fe, New Mexico

The Proposed Decree (without the Addendum) is also available on the Office of the State Engineer's website (www.ose.state.nm.us).

If you do not wish to object to the determination of the water rights of other individuals, as described in the Proposed Decree and Addendum, you do not need to take any further action. If objections are filed by any persons, you may participate in the proceedings to resolve those objections as described below. If no objections are filed with the Court, you will be bound by the provisions of the Proposed Decree.

HOW TO FILE AN OBJECTION

If you wish to object, you or your attorney must file an objection with the United States District Court of New Mexico. Objections must be filed in person or by mail to be received by the Court no later than **December 15, 2011**, at the following address:

Office of the Clerk

United States District Court
333 Lomas Blvd. NW, Suite 270
Albuquerque, New Mexico 87102

Inter se objections must be filed in accordance with the United States District Court of New Mexico Local Rule 5. All objections must have a caption identifying the Case and Case Number (69cv07941–BB). The objection must contain the subfile number of the water right objected to, identify the defendant associated with that water right, provide a brief explanation of the reason for the objection, describe your own water rights in the Rio Nutrias Subsection, and be signed by the person making the objection. Blank forms (entitled “*Inter Se* Objection to Surface Water Irrigation Rights”) that may be used for this purpose will be available to the public with the Proposed Decree at the locations described above. A copy of the *Inter Se* Objection form is also included with this notice.

If you timely file an *inter se* objection, the Court will notify you of a mandatory scheduling and pretrial conference where you will learn how objections will be heard by the Court. Further procedures for hearing objections to the Proposed Decree will be determined at the conference.

HOW TO PARTICIPATE IN *INTER SE* PROCEEDINGS

If you have water rights in the Rio Nutrias Subsection, you may participate in the proceedings to resolve *inter se* objections whether or not you file an *inter se* objection. If *inter se* objections are timely filed, the State will prepare a report that summarizes all objections and make the report available for public inspection at the locations described above by **February 1, 2012**. Persons that elect to participate in the proceedings to resolve *inter se* objections must file a notice of intent to participate with the Court no later than **March 15, 2012**. Blank forms (entitled “Notice of Intent to Participate in *Inter Se* Proceedings”) that may be used for this purpose will be available with

the report that summarizes *inter se* objections. **All persons having water rights in the Rio Nutrias Subsection will be bound by the outcome of the proceedings to resolve *inter se* objections.**

FOR ADDITIONAL INFORMATION

If you have any questions, call or write:

Edward G. Newville
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 telephone
(505) 867-2299 facsimile

John W. Utton
Attorney for Asociación de Acéquias
Norteñas de Rio Arriba
Sheehan & Sheehan, P.A.
P.O. Box 271
Albuquerque, NM 87103-0271
(505) 699-1445 telephone
(505) 842-8890 facsimile

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for Approval:

SPECIAL MASTER VICKIE L. GABIN